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**REMARKS**

Claims 10-12 and 15-17 were rejected in an Office Action mailed July 2, 2004. New claims 19-21 have been added to clarify further inventive aspects of the present invention. Applicants respectfully request reconsideration of the present application in view of the following remarks.

**I. Rejection Under 35 U.S.C. §112**

Claims 10-12 and 15-17 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully traverse this rejection.

It was stated in the Office Action that applicants' arguments submitted May 12, 2004, had been fully considered but were not found persuasive. Specifically, it was reiterated that the claims fail to apprise one of ordinary skill in the art of the scope of the claimed invention. It was further stated that "[w]hile there is no doubt that the recited properties are known in the art and can be readily measured for a given material by one of ordinary skill in the art, the claims do not reasonably define a composition or structure upon which such measurement is to be made."

Applicants submit the claimed invention does indeed sufficiently define the composition and structure that would allow one of ordinary skill in the art to recognize the scope of the invention. Specifically, the recitation of a porous polymeric layer having an average pore size between 0.2 and 10 micrometer comprising porous polytetrafluoroethylene adhered to the recited fabric component, and the laminate having the recited features, which features are used by those of skill in the art to characterize laminate structures, provides a sufficiently clear description of composition and structure to define the scope of the invention.

Applicants submit that new claims 19-21 include further inventive aspects of the present invention which are fully supported by the present specification.

Accordingly, applicants submit that the claims are clear and distinctly claim unique features which would be apparent to an artisan of skill in the art. Accordingly, applicants submit that this rejection should be withdrawn.

**II. Rejections Under 35 U.S.C. §102/103**

Claims 10, 11 and 15-17 were rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being

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unpatentable over JP 06-047363, in the name of Chikamori. Moreover, claim 12 was rejected under 35 U.S.C. §103 (a) as being unpatentable over the cited Chikamori patent. Applicants respectfully traverse these rejections.

It was stated in the Office Action that applicants' arguments concerning the structure and function of the Chikamori device was unpersuasive because applicants did not point out how the structure of Chikamori was different and because the alleged difference in function was merely argumentative of intended use.

Applicants reiterate their submission the teachings of Chikamori are directed to a device for covering landfill material which prevents, or insulates, the landfill material from anaerobic decomposition which causes odor and contaminates groundwater. Chikamori's construction is a water barrier sheet (4) with patches, or windows (1,2,3), of air permeable material. This construction is described as beneficial for layering additional waste material thereon.

While the air permeable material identified by Chikamori for incorporation in the water barrier sheet has properties within the wider range of the claimed properties of applicants' material, applicants submit that Chikamori failed to recognize and failed to claim applicants' unique cover for aerobic decomposition and the unique range of properties which are optimized for such aerobic decomposition of waste material. There is no disclosure or suggestion in the teachings of Chikamori of a material for the aerobic decomposition of waste material, and the argument that such activity would be inherent to the material is based merely on improper hindsight reconstruction, as such an interpretation contradicts the teachings of Chikamori and would destroy the function of Chikamori's teachings. In contrast to Chikamori, as applicants pointed out in the previous response, the unique claimed articles of this invention combine the unique range of claimed air permeabilities with a the claimed low resistance to evaporative transmission (Ret), which combination allows the controlled aerobic degradation of materials which has heretofore not been achieved in the teachings of the prior art. Accordingly, applicants submit that this rejection is improper and should be withdrawn.

Applicants submit that these same arguments submitted above address the Section 103 obviousness rejection with respect to claim 12. Specifically, it would not be obvious based on the teachings of Chikamori that patches of air permeable material within a water barrier sheet for preventing anaerobic decomposition and allowing further layers of undecomposed waste material to be accumulated thereon could be a material as identified in applicants' claims which

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is capable of controlled aerobic degradation. Accordingly, applicants submit that this rejection should be withdrawn.

### III. Conclusion

For the foregoing reasons, the present invention as defined by claims 10-12, 15-17 and 19-21 sufficiently identifies the scope of the invention and is neither taught nor suggested by the cited reference. Accordingly, applicants believe that the claims are in form for allowance.

If further questions remain, applicants request that the Examiner telephone applicants' undersigned representative.

Respectfully submitted,

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